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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,035	12/20/2000	B. Arlen Young	ADPT1058	8135

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EXAMINER

DANG, KHANH

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/745,035	Applicant(s) YOUNG, B. ARLEN	
	Examiner Khanh Dang	Art Unit 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20041103</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Frame et al. (cited by this Examiner in copending Application No. 09/745,034 and recited by Applicant in 3/4/2004 IDS).

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

As broadly drafted, these claims do not define any structure/step that differs from Frame et al.

With regard to claim 1, Frame et al. discloses a method for flow control by a SCSI system using a Packetized SCSI Protocol, the method comprising: transferring a data packet information unit in a Packetized SCSI Protocol Data Out phase between a SCSI initiator and a SCSI target over a SCSI bus (it is first noted that Frame et al.

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employs packetized SCSI and therefore, the system of Frame et al. must be fully in compliance with packetized SCSI protocol. At the outset, it is also noted that unlike SCSI, for data transfer, packetized SCSI involves only 2 phases. The Data In phase transfers a packet comprising a command (header) and data (payload) from the target to the initiator; and Data Out phase transfers command and data from the initiator to the target in the form of a packet containing a header and a payload. Further, a packet contains nexus information (for example, the unit number of the device for which the packet is intended and the type of packet or packets to immediately follow if there is one). A packet or information unit consists of a header and a payload transmitted in pairs, except when the header indicates there is no data (payload) to follow. In Frame et al., it is clear that in the Data Out phase, data the initiator delivers data to the target, see at least column 4, lines 33-36); and generating a signal on said SCSI bus by the SCSI target (in Frame et al., the target will reassert C/D (command/data) and I/O (input/output) during the REQ (request) and ACK (acknowledge) handshakes the Data Out phase, see at least column 4, lines 37-39) in the Packetized SCSI Protocol Data Out phase to indicate whether another data packet information unit is to be accepted (the REQ, when asserted low, this signal indicates a target's desire to begin a REQ/ACK handshakes for another data packet information unit, see at least column 3, line 30 to column 4, line 39) in the Packetized SCSI Protocol Data Out phase by the SCSI target. Since claim 1 is broadly drafted, the step of "generating a signal" is also readable on the parity line signal of Frame. According to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors

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(column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred.

With regard to claims 2 and 3, According to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred.

With regard to claim 4, since claim 4 is broadly drafted, different interpretation can be assigned to claim 4. In Frame et al., the REQ pulse/signal generated by the target that reaches the maximum REQ pulses/signals indicates that the SCSI target will not accept another data packet information unit. See at least column 3, line 30 to column 4, line 2). In an alternative interpretation, according to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line

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occurred, more data can be accepted; and no more data can be accepted if error conditions occurred.

With regard to claims 5 and 7, Frame et al. discloses a method for flow control by a SCSI system using a Packetized SCSI Protocol, the method comprising: transmitting a data packet information unit or a plurality of data packet information units, one immediately after another, by a SCSI initiator in a Packetized SCSI Protocol Data Out phase (it is first noted that Frame et al. employs packetized SCSI and therefore, the system of Frame et al. must be fully in compliance with packetized SCSI protocol. At the outset, it is also noted that unlike SCSI, for data transfer, packetized SCSI involves only 2 phases. The Data In phase transfers a packet comprising a command (header) and data (payload) from the target to the initiator; and Data Out phase transfers command and data from the initiator to the target in the form of a packet containing a header and a payload. Further, a packet contains nexus information (for example, the unit number of the device for which the packet is intended and the type of packet or packets to immediately follow if there is one). A packet or information unit consists of a header and a payload transmitted in pairs, except when the header indicates there is no data (payload) to follow. In Frame et al., it is clear that in the Data Out phase, data the initiator delivers data to the target, see at least column 4, lines 33-36); and monitoring a signal level on a parity line of a SCSI bus to determine whether transmitting a plurality of data packet information units is to be terminated (according to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and

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column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred).

With regard to claim 6, it is clear that in order to do parity checking/determining/interpreting to verify data transfer, the parity line must be "asserted."

With regard to claim 8, it is clear that in order to do parity checking/determining/interpreting to verify data transfer, the parity line must be "asserted." See also discussion regarding to claims 5 and 7 above.

With regard to claim 9, see discussion above regarding to claims 5-8 above.

With regard to claim 10, see discussion regarding claims 5-9 above. Note that Fig. 1 shows generally a SCSI bus 9 and either one of the devices 1-4 can be an initiator or target depending on the transfer direction. Note also that it is clear that the initiator of Frame et al. must include a so-called "flow control module" to perform the steps of transmitting, receiving, and interpreting. See at least claim 92.

Response to Arguments

Applicants' arguments filed 11/03/2004 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re*

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Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the “examiner has the duty of police claim language by giving it the broadest reasonable interpretation.” *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. **Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.**

The Frame et al. 102(b) Rejection:

Applicants argue that Frame does not disclose “generating a signal as recited in claim 1 and the data packet information unit of the Packetized SCSI protocol transferred in the Data Out phase.” Contrary to Applicants’ argument, it is clear that Frame et al. employs packetized SCSI, which involves only 2 phases. The Data In phase transfers a packet comprising a command (header) and data (payload) from the target to the initiator; and Data Out phase transfers command and data from the initiator to the target in the form of a packet containing a header and a payload. In Frame et al., a header contains 7 bytes of information. Included in the header are REQ/ACK offset byte, source and destination ID verify bytes, frame length bytes and

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checksum byte. See at least column 4, lines 24-27. In the Data Out phase, data the initiator delivers data to the target (see at least column 4, lines 33-36); and generating a signal on said SCSI bus by the SCSI target (in Frame et al., the target will reassert C/D (command/data) and I/O (input/output) during the REQ (request) and ACK (acknowledge) handshakes the Data Out phase, (see at least column 4, lines 37-39) in the Packetized SCSI Protocol Data Out phase to indicate whether another data packet information unit is to be accepted (the REQ, when asserted low, this signal indicates a target's desire to begin a REQ/ACK handshakes for another data packet information unit, see at least column 3, line 30 to column 4, line 39) in the Packetized SCSI Protocol Data Out phase by the SCSI target. Alternatively, since claim 1 is broadly drafted, the step of "generating a signal" is also readable on the parity line signal of Frame. According to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred. In response to Applicants regarding to claims 2 and 3, With regard to claims 2 and 3, according to Frame, in order to check the integrity of the SCSI bus, the SCSI system uses byte parity for detecting data errors (column 2, lines 29-35; column 9, lines 9-32, and column 11, line 32 to column 12, line 3). The use of only a single error detecting mechanism presents problems for the proper validation of data. In another word, if no error conditions on the

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parity line occurred, more data can be accepted; and no more data can be accepted if error conditions occurred. Note that both Qlogic reference and Frame reference, and the Applicants' claimed invention are only based on Packetized SCSI protocol. With regard to claims 5 and 7, Applicants argue that Frame uses SCSI and does not disclose Packetized SCSI. Contrary to Applicants' argument, it is clear that Frame et al. employs packetized SCSI, which involves only 2 phases. The Data In phase transfers a packet comprising a command (header) and data (payload) from the target to the initiator; and Data Out phase transfers command and data from the initiator to the target in the form of a packet containing a header and a payload. In Frame et al., a header contains 7 bytes of information. Included in the header are REQ/ACK offset byte, source and destination ID verify bytes, frame length bytes and checksum byte. See at least column 4, lines 24-27. In the Data Out phase, data the initiator delivers data to the target (see at least column 4, lines 33-36); and generating a signal on said SCSI bus by the SCSI target (in Frame et al., the target will reassert C/D (command/data) and I/O (input/output) during the REQ (request) and ACK (acknowledge) handshakes the Data Out phase, (see at least column 4, lines 37-39) in the Packetized SCSI Protocol Data Out phase to indicate whether another data packet information unit is to be accepted (the REQ, when asserted low, this signal indicates a target's desire to begin a REQ/ACK handshakes for another data packet information unit, see at least column 3, line 30 to column 4, line 39) in the Packetized SCSI Protocol Data Out phase by the SCSI target.

The Qlogic Rejection:

The Qlogic rejection is hereby withdrawn in view of Applicants' amendment to claim 1.

The Double Patenting Rejection:

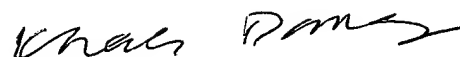
The double patenting rejection is hereby withdrawn in view of Applicants' Terminal Disclaimer.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.

A handwritten signature in black ink, appearing to read "Khanh Dang", with a stylized flourish at the end.

Khanh Dang
Primary Examiner